

### **REMARKS**

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 1 through 56 are currently pending in the application. Claims 1, 9, 23, 38, 41, 43 and 49 have been amended. Bases for the amendments can be found throughout the specification, claims and drawings as originally filed and as such, no new matter has been presented.

Applicant would also like to thank the Examiner for the courtesies extended to the undersigned attorney during a telephonic interview conducted the morning of April 4, 2002. Applicant notes that an amendment to Claims 1, 29, 38 and 41 (said amendment being set forth above) was discussed, as was U.S. Patent No. 2,181,966 to Dean. Applicant notes that the Examiner was of the opinion that the aforementioned amendment successfully rendered moot the rejections under 35 U.S.C. §103(a).

The Examiner is respectfully requested to reconsider and withdraw the objections and rejections in view of the above amendments and remarks set forth below.

### **Drawings**

The Examiner has objected to the drawings as failing to comply with 37 C.F.R. §1.84(p)(5) as they did not include reference number 336. Applicant notes that reference numeral 336 was designated in the specification as identifying an air bag, but that the air bag had not been shown in the drawings. As the air bag was not claimed, Applicant has elected to amend the specification to indicate that the air bag is not shown in the drawings. Accordingly, Applicant respectfully submits that the objection to the drawings has been rendered moot.

### **Amendments to the Specification**

The Examiner has objected to the specification for various informalities. The above-amendments to the specification eliminate these informalities, as well as indicate that the air bag formerly designated by reference numeral 336 is not actually shown in the drawings. Applicant respectfully submits that bases for the amendments can be found throughout the specification, claims and drawings as originally filed and as such, no new matter has been presented. Accordingly, Applicant respectfully submits that the objection to the specification has been rendered moot.

### **Double Patenting**

Claims 1 through 40 have been provisionally rejected under 35 U.S.C. §101 as claiming the same invention of Claims 1 through 40 in co-pending Application Serial No. 09/722,046. This rejection is respectfully rendered moot.

Enclosed at Tab A is a copy of an Express Abandonment under 37 C.F.R. 1.138, which was filed concurrently with the filing of this response and which expressly abandons co-pending Application Serial No. 09/722,046. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the provisional double patenting rejection under 35 U.S.C. §101.

### **Claim Rejections Based on 35 U.S.C. §112 and Claim Objections**

The Office has rejected Claims 23 through 27, 43 and 49 through 52 under the second paragraph of 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Office has also objected to Claim 9 for various informalities. Applicant respectfully submits that these rejections and objections have been rendered moot.

With regard to Claim 23, Applicant notes that the term "abutting flanges" has been changed to "abutting members". With regard to Claim 43, Applicant notes that the reference to the third portion has been eliminated. With regard to Claim 49, Applicant notes that the "structure" has been identified as the "first structure". Applicant notes that Claims 24 through 27 and 50 through 52 were rejected for incorporating the errors of Claims 23 and 49, respectively, by dependency.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claims 23 through 27, 43 and 49 through 52 under the second paragraph of 35 U.S.C. §112.

Applicant notes that the informalities noted in Claim 9 have been eliminated and respectfully requests that the objection to Claim 9 be withdrawn.

#### **Claim Rejections Under 35 U.S.C. §103**

The Office has rejected Claims 1, 2, 5, 7 and 8 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,095,734 to Postadan et al. in view of U.S. Patent No. 2,181,966 to Dean. The Office has rejected Claim 6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,095,734 to Postadan et al. in view of U.S. Patent No. 2,181,966 to Dean and further in view of U.S. Patent No. 5,251,467 to Anderson. The Office has rejected Claims 15 through 17, 20 and 21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,095,734 to Postadan et al. in view of U.S. Patent No. 2,181,966 to Dean and further in view of U.S. Patent No. 6,179,366 to Hanz and U.S. Patent No. 5,704,753 to Ueno. The Office has rejected Claims 28, 29 and 32 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,181,966 to Dean. The Office has rejected Claim 33 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,181,966 to Dean in view of U.S. Patent No. 5,251,467 to Anderson. The Office has rejected Claims 23, 24, 26, 28, 30, 32, 34

through 36, 41, 42, 44 through 46 and 48 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,919,019 to Fischer in view of U.S. Patent No. 2,181,966 to Dean. The Office has rejected Claim 25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,919,019 to Fischer in view of U.S. Patent No. 2,181,966 to Dean and further in view of U.S. Patent No. 5,251,467 to Anderson. The Office has rejected Claims 27, 31 and 37 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,919,019 to Fischer in view of U.S. Patent No. 2,181,966 to Dean and further in view of U.S. Patent No. 6,179,366 to Hanz and U.S. Patent No. 5,704,753 to Ueno. The Office has rejected Claims 38 and 39 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,919,019 to Fischer in view of U.S. Patent No. 2,181,966 to Dean and U.S. Patent No. 5,251,467 to Anderson. The Office has rejected Claim 40 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,919,019 to Fischer in view of U.S. Patent No. 2,181,966 to Dean and U.S. Patent No. 5,251,467 to Anderson and further in view of U.S. Patent No. 6,179,366 to Hanz and U.S. Patent No. 5,704,753 to Ueno. The Office has rejected Claim 43 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,919,019 to Fischer in view of U.S. Patent No. 2,181,966 to Dean and further in view of U.S. Patent No. 6,095,734 to Postadan et al. The Office has rejected Claims 47 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,919,019 to Fischer in view of U.S. Patent No. 2,181,966 to Dean and further in view of U.S. Patent No. 5,251,467 to Anderson. The Office has rejected Claims 49 through 53 and 56 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,141,837 to Wisniewski in view of U.S. Patent No. 2,181,966 to Dean. The Office has rejected Claim 54 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,141,837 to Wisniewski in view of U.S. Patent No. 2,181,966 to Dean and further in view of U.S. Patent No. 5,367,751 to DeWitt. These rejections are respectfully rendered moot in part and traversed in part.

### Rejections Based on Postadan in View of Dean

Applicant initially notes that the Postadan pushnut (10) utilizes a pair of intermediate tabs (31a, 31b) that engage the opposite threaded sides (29) of a fastener (22) to prevent the pushnut (10) from collapsing (col. 3, line 58 through col. 4, line 3). The friction applied to the threaded shank (29) by the intermediate tabs (31a, 31b) also generates a prevailing torque which resists the loosening of the fastener (22) from the pushnut (10). Contact between the fastener (22) and the intermediate tabs (31a, 31b) causes the leg sections (23) to rotate outwardly in response to engagement with the fastener (22) to increase the force with which the inwardly depending portion (39a, 39b) of each leg section contacts the panel (70) and thereby increases the pull-out force of the pushnut (10) as well as to creates an anti-rattle feature.

Applicant next notes that the Dean reference teaches a clip having a mechanism that compensates for variances in the thickness of a supporting member (12). The mechanism employs a plurality of holding portions (e.g., 28, 30) which are twisted out from a main U-shaped body portion (18). As set out in the patent to Dean (col. 2, lines 36 through col. 3, line 16):

“each of the holding portions 28, 30, 32 and 34 is formed of a different length, the top of the holding portion 28 being the closest to the top of the fastening device, and the top of the holding portion 34 being the furthest from the top of the fastening device, the others being in between. . . . Since there are four holding portions of different lengths, it will be obvious that there are four different positions to which the fastening device may be moved in the aperture, and will be firmly held in place in any one of these positions.”

Accordingly, only one of these twisted holding portions would be engaged to the supporting member at any given time.

To establish a prima facie case of obviousness, there must be some suggestion or motivation to modify the reference or to combine reference teachings. A prima facie case of obviousness also requires that all claim limitations be taught or suggested by the

prior art. Applicant submits that a suggestion or motivation to combine the Postadan and Dean references is lacking and that the combination of the Postadan and Dean references does not teach all of the claim limitations.

As the Examiner knows, the mere fact that the references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ 2d 1430 (Fed. Cir. 1990). If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Applicant submits that the modification of the Postadan reference in the manner suggested by the Office would render the Postadan pushnut unsatisfactory for its intended purpose. In this regard, the inwardly depending portions (31) would be of different size (per the Dean reference) and as such, the pull-out force of the pushnut (10) would be greatly diminished as only one inwardly depending portion (39) would be in contact with the panel (70) at any given time. Furthermore, the locking effect produced by the intermediate tabs (31) would be significantly reduced or eliminated as the unengaged leg section (23) would tend to deflect, rather than cooperate with the other leg section (23) to pinch the threaded shank (29) of the fastener (22) as before. The modifications proposed by the Office would therefore render the Postadan pushnut unsatisfactory for its intended purpose and as such, a suggestion or motivation for combining the Postadan and Dean references is lacking.

Applicant also notes that the combination of the Postadan and Dean references fails to teach or suggest every limitation of Applicant's claimed invention. In this regard, Applicant notes that Claim 1 (as amended above) requires that the tip portion of each of the first and second wing members be configured to co-engage the first member. Since

the Postadan pushnut, as modified to include Dean's plurality of twisted holding portions of differing heights, would not have "first and second wing members that were configured to co-engage the first member", Applicant submits that the combination of references cited by the Office does not teach or suggest every limitation of Applicant's claimed invention.

In view of the above remarks, Applicant submits that there is no suggestion or motivation to combine the Postadan and Dean references, and that the combination of the Postadan and Dean references does not teach every limitation of Applicant's claimed invention. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 1 under 35 U.S.C. §103(a).

Applicant notes that if an independent claim is non-obvious under 35 U.S.C. §103(a), then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicant submits that Claims 2 through 22 are in condition for allowance for the reasons set forth for Claim 1, above.

#### Rejections Based on Fischer in View of Dean

Applicant initially refers the Examiner to the immediately preceding sub-section entitled "Rejections Based on Postadan in View of Dean" for a discussion of the Dean reference.

Applicant next notes that the Fischer reference appears to disclose a pushnut having a first locking means (20) and a second locking means (24). The first locking means comprises two pair of locking strips (44, 46), each pair being located on an opposite side of the of the pushnut. The second locking means comprises a panel edge securing means 48 having ends (50), which are disposed between each pair of locking strips and which are knurled to increase their friction. When the pushnut is engaged to a

panel, the tips (60) of the locking strips (44, 46) engage the underside (22) of the panel, while the ends (50) engage the inner edges (18) of an opening in the panel.

Applicant submits that a suggestion or motivation to combine the Fischer and Dean references is lacking and that the combination of the Fischer and Dean references does not teach all of the claim limitations.

The combination of the Fischer and Dean references renders the Fischer pushnut unsatisfactory for its intended purpose. In this regard, all of the locking strips (44, 46) would be of a different size (per the Dean reference) and as such, the pull-out force of the pushnut would be greatly diminished as only one locking strip would be in contact with the underside (22) of the panel at any given time and thereby render the pushnut unsatisfactory for its intended purpose.

Applicant also notes that the combination of the Fischer and Dean references fails to teach or suggest every limitation of Applicant's claimed invention. In this regard, Applicant notes that Claim 23 (as amended above) requires that the tip portion of each of the first and second wing members be configured to co-engage the first member and that the wing members terminate at a tip portion that is angled downwardly toward the base portion (i.e., the portion of the wing member that is coupled to the flange). Since the Fischer pushnut, as modified to include Dean's plurality of twisted holding portions of differing heights, would not have "first and second wing members that were configured to co-engage the first member", and since neither the Fischer reference nor the Dean reference utilize tip portions that are angled downwardly toward a base portion, Applicant submits that the combination of references cited by the Office does not teach or suggest every limitation of Applicant's claimed invention.

In view of the above remarks, Applicant submits that there is no suggestion or motivation to combine the Fischer and Dean references, and that the combination of the Fischer and Dean references does not teach every limitation of Applicant's claimed



invention. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 23 under 35 U.S.C. §103(a).

Applicant notes that if an independent claim is non-obvious under 35 U.S.C. §103(a), then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicant submits that Claims 24 through 33 are in condition for allowance for the reasons set forth for Claim 23, above.

Applicant notes that Claim 34 is similar to Claim 23 in that it includes a plurality of twisted wing members, each having a tip portion that is angled downwardly toward the base portion. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 34 under 35 U.S.C. §103(a) for the reasons set forth for Claim 23, above.

Applicant submits that Claims 35 through 37 depend from Claim 34 and as such, should be in condition for allowance for the reasons set forth for Claim 34, above.

Applicant notes that Claim 41 is similar to Claim 23 in that it requires that the plurality of tip portions co-engage the first member to which it is secured. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 41 under 35 U.S.C. §103(a) for the reasons set forth for Claim 23, above.

Applicant submits that Claims 42 through 45 depend from Claim 41 and as such, should be in condition for allowance for the reasons set forth for Claim 41, above.

Applicant notes that Claim 46 is similar to Claim 23 in that it includes a plurality of twisted wing members, each having a tip portion that is angled downwardly toward the base portion. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 46 under 35 U.S.C. §103(a) for the reasons set forth for Claim 23, above.

Applicant submits that Claims 47 and 48 depend from Claim 46 and as such, should be in condition for allowance for the reasons set forth for Claim 46, above.

#### Rejections Based on Fischer in View of Dean and Anderson

Applicant initially notes that as neither the Fischer or Dean references included a plurality of teeth, the rejection was construed as being "Fischer in view of Dean and further in view of Anderson", rather than "Fischer in view of Dean or Anderson".

Applicant next refers the Examiner to the preceding sub-sections for a discussion of the Dean and Fischer references.

The Anderson reference appears to disclose a retaining spring for securing a front-mounted lock in a panel opening. The retaining spring includes two rectangular legs (25). Each of the legs (25) has an angular outer end (27), which is bent at an angle relative to the remaining portion of the leg (25). The outer end (27) may include a plurality of teeth (29) that lock the ends into position and also allow for variations in the thickness of the face (6).

Applicant submits that a suggestion or motivation to combine the Fischer, Dean and Anderson references is lacking and that the combination of the Fischer, Dean and Anderson references does not teach all of the claim limitations.

The combination of the Fischer, Dean and Anderson references renders the Fischer pushnut unsatisfactory for its intended purpose. In this regard, all of the locking strips (44, 46) would be of a different size (per the Dean reference) and as such, the pull-out force of the pushnut would be greatly diminished as only one locking strip would be in contact with the underside (22) of the panel at any given time and thereby render the pushnut unsatisfactory for its intended purpose.

Applicant also notes that the combination of the Fischer, Dean and Anderson references fails to teach or suggest every limitation of Applicant's claimed invention. In this regard, Applicant notes that Claim 38 (as amended above) requires that the tip portion of each of the first and second wing members be toothed, tapered and twisted.

Since none of the Fischer, Dean and Anderson references teach the tapering of a wing member, Applicant submits that the combination of references cited by the Office does not teach or suggest every limitation of Applicant's claimed invention.

In view of the above remarks, Applicant submits that there is no suggestion or motivation to combine the Fischer, Dean and Anderson references, and that the combination of the Fischer, Dean and Anderson references does not teach every limitation of Applicant's claimed invention. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 38 under 35 U.S.C. §103(a).

Applicant notes that if an independent claim is non-obvious under 35 U.S.C. §103(a), then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicant submits that Claims 39 and 40 are in condition for allowance for the reasons set forth for Claim 38, above.

#### Rejections Based on Wisniewski in View of Dean

Applicant initially refers the Examiner to the preceding section entitled "Rejections Based on Postadan in View of Dean" for a discussion of the Dean reference.

Applicant next notes that the Wisniewski reference appears to disclose a clip having spring-biased members (72,74) that are configured to engage the side surfaces (32) of a hole in a structure. The spring-biased member (72,74) include a bulbous and outwardly projecting portion (82 and 84, respectively) and second reverse bends (76 and 80, respectively). The projecting portion and reverse bend of each spring-biased member cooperate to lock the clip to one of the side surfaces of the hole. More specifically, the projecting portion confronts one side of the structure (to prevent the clip from being removed from the structure), while the second reverse bend applies a force

to the side surface of the hole to inhibit transverse movement of the clip relative to the hole.

In view of the above summaries of the Wisniewski and Dean references, Applicant respectfully submits that the Office has not established a prima facie case of obviousness, in that no suggestion or motivation to combine the Wisniewski and Dean references has been provided, and the cited combination of references fails to teach or suggest all of the limitations of the Applicant's claimed invention.

With regard to the suggestion or motivation to combine the Wisniewski and Dean references, Applicant again notes that as the projecting portion of the spring-biased members of the Wisniewski clip, rather than the end of a tab, holding portion or wing member, is intended to inhibit the withdrawal of the clip. Substitution of a plurality of holding portions, each of a differing height, would render the Wisniewski clip unsuitable for its intended purpose, as the clip would lack the second reverse bends (76, 80) which would permit the clip to move in a transverse direction relative to the hole. As the Examiner knows, such movement leads to the generation of noise and is impermissible in modern automotive applications.

Applicant also notes that the combination of the Wisniewski and Dean references fails to teach or suggest every limitation of Applicant's claimed invention. In this regard, Applicant notes that Claim 49 (as amended above) requires that the tip portion of each of the first and second wing members be both tapered and twisted. Since none of the Wisniewski and Dean references teach the tapering of a wing member, Applicant submits that the combination of references cited by the Office does not teach or suggest every limitation of Applicant's claimed invention.

In view of the above remarks, Applicant submits that there is no suggestion or motivation to combine the Wisniewski and Dean references, and that the combination of the Wisniewski and Dean references does not teach every limitation of Applicant's

claimed invention. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 49 under 35 U.S.C. §103(a).

Applicant notes that if an independent claim is non-obvious under 35 U.S.C. §103(a), then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicant submits that Claims 50 through 52 are in condition for allowance for the reasons set forth for Claim 49, above.

Applicant notes that Claim 53 is similar to Claim 49 in that it requires that tapered and twisted tip portions. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 53 under 35 U.S.C. §103(a) for the reasons set forth for Claim 49, above.

Applicant submits that Claims 54 through 56 depend from Claim 53 and as such, should be in condition for allowance for the reasons set forth for Claim 53, above.

#### **Allowable Subject Matter**

The Examiner has indicated that Claims 3, 4, 9 through 14, 18, 19 and 22 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Once again, Applicant sincerely thanks the Examiner for the thoughtful and thorough consideration given the present application. Applicant has not elected to present Claims 3, 4, 9 through 14, 18, 19 and 22 in an independent form at this time, choosing instead to pursue the allowance of the independent claims from which these claims depend.

#### **CONCLUSION**

All of the stated grounds of objection and rejection have been properly traversed, accommodated or rendered moot. Applicant therefore respectfully requests that the

Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding office action, and as such, the present application is in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned attorney at (248) 641-1600.

Prompt and favorable consideration of this amendment is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael D. Zalobsky', is written over a horizontal line.

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## APPENDIX FOR AMENDMENTS TO CLAIMS

U.S. Serial No. 09/813,592  
Inventors: Lubera et al.

Filed: March 21, 2001  
HD&P Docket No. 0275M-000320/CPA



The claims have been amended as follows:

1. (Amended) A resilient clip for use in securing a first member to a second member, the resilient clip comprising:

a flange portion having an aperture, the aperture adapted to receive a threaded fastener to couple the second member to the flange portion;

an insertion portion configured to be inserted into a hole formed into the first member, the insertion portion being coupled to the flange portion; and

a retaining portion coupled to the insertion portion and having first and second wing members, the first wing member being twisted about a first axis in a first direction, the second wing member being twisted about a second axis in the first direction, each of the first and second wing members terminating at a tip portion [that is adapted to engage the first member] the tip portion of the first wing member and the tip portion of the second wing member being configured to co-engage the first member;

wherein each of the first and second axes are generally parallel a longitudinal axis of the retaining portion.

9. (Amended) The resilient clip of Claim 1, wherein the retaining portion includes first and second abutting flanges having a base that is spaced vertically apart from the first and second wing members, respectively, each of the bases of the first and second abutting flanges being configured to abut a surface of the first member opposite a surface into which the [first] first and second wing members, respectively, are engaged.

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**APPENDIX FOR AMENDMENTS TO CLAIMS**

U.S. Serial No. 09/813,592  
Inventors: Lubera et al.

Filed: March 21, 2001  
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23. (Amended) A resilient clip for engaging a structure, the resilient clip comprising:

a body portion having a pair of flanges, a pair of wing members and a pair of abutting [flanges] members, each of the wing members having a base portion coupled to an associated one of the flanges, a first one of the wing members being twisted about a first axis in a first direction, a second one of the wing members being twisted about a second axis in the first direction, each of the wing members terminating at a tip portion that is angled downwardly toward the base portion such that a portion of an associated one of the wing members nearest a central axis of the body portion extends above an associated portion of the wing member furthest from the central axis of the body portion, the tip [portions] portion of the wing members being configured to [engage] co-engage a first side of the structure and position a second side of the structure against the abutting [flanges] members.

38. (Amended) A resilient clip for engaging a structure, the resilient clip comprising a body portion for insertion downwardly into a hole formed in the first structure, the body portion including a plurality of wing members, each of the wing members terminating at [an angled] a tapered tip portion, each of the tip portions being twisted about an axis such that an inwardly twisted end of the tip portion is positioned above an outwardly twisted end of the tip portion, each of the plurality of wing members including a plurality of teeth for engaging a surface of the structure.



## APPENDIX FOR AMENDMENTS TO CLAIMS

U.S. Serial No. 09/813,592  
Inventors: Lubera et al.

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41. (Amended) A resilient clip for use in securing a first member to a second member, the resilient clip comprising:

a flange portion having an aperture, the aperture adapted to receive a threaded fastener to couple the second member to the flange portion;

an insertion portion configured to be inserted into a hole formed into the first member, the insertion portion being coupled to the flange portion; and a retaining portion coupled to the insertion portion and having at least three wing members, each of the wing members being twisted about an associated axis and terminating at a [tip portion that is adapted to engage the first member] tip portion, each tip portion being configured to co-engage the first member.

43. (Amended) The resilient clip of Claim 42, wherein each of the flanges further includes a fastener aperture formed into the [first, second and third] first and second portions, the fastener aperture being configured to provide clearance for the fastener.

## APPENDIX FOR AMENDMENTS TO CLAIMS

U.S. Serial No. 09/813,592  
Inventors: Lubera et al.

Filed: March 21, 2001  
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49. (Amended) A resilient clip for engaging a first structure to a second structure, the resilient clip comprising:

a body portion having a pair of flanges and first and second wing members, each of the wing members having a base portion coupled to an associated one of the flanges, the first wing member being twisted about a first axis in a first direction, the second wing member being twisted about a second axis in the first direction, each of the wing members terminating at a tip portion that is angled downwardly toward the base portion such that a portion of each of the wing members nearest a central axis of the body portion extends above an associated portion of each of the wing members that is furthest from the central axis of the body portion, the tip portions being configured to engage a first side of the first structure to secure the resilient clip to the second structure.

## APPENDIX FOR AMENDMENTS TO SPECIFICATION

U.S. Serial No. 09/813,592  
Inventors: Lubera et al.

Filed: March 21, 2001  
HD&P Docket No. 0275M-000320/CPA



The paragraph that begins at page 1, line 1 has been amended as follows:

This application is a continuation-in-part of [co-pending] U.S. Application No. 09/813,592, filed January 29, 2001 and now abandoned, which [claims] claimed the benefit of U.S. Provisional Application Serial No. [06/192,375] 60/192,375 filed March 27, 2000 entitled "Fastener Assembly for Automotive Headliner". Other features of the present invention are discussed and claimed in commonly assigned co-pending U.S. Application Serial No. 09/771,962 entitled "Resilient Clip Fastener" filed January 29, 2001.

The paragraph that begins at page 2, line 10 has been amended as follows:

During assembly of the vehicle, it is conventional procedure of the entire headliner assembly to be installed onto the interior roof of the vehicle in a single operation. In other words, the headliner assembly, with the assist handles and other roof mounted components already attached, is passed through either the windshield or backlight opening of the vehicle body on the assembly line and then the headliner assembly is secured by line operators to the interior roof of the vehicle. In order to accomplish this assembly task, the headliner assembly is typically equipped with numerous fasteners, located around the periphery of the headliner assembly as well as at predetermined locations around the interior area of the headliner, that are adapted to penetrate through corresponding holes located in the reinforcing sheet metal members of the roof. It is the responsibility of the line operators to properly orient the headliner assembly beneath the interior roof of the vehicle and press the fasteners into the various mounting holes in the reinforcing sheet metal members to secure the headliner assembly to the roof of the vehicle.

## APPENDIX FOR AMENDMENTS TO SPECIFICATION

U.S. Serial No. 09/813,592  
Inventors: Lubera et al.

Filed: March 21, 2001  
HD&P Docket No. 0275M-000320/CPA

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The paragraph that begins at page 9, line 3 has been amended as follows:

Those skilled in the art will understand, however, that the spacing structure 20 may be constructed somewhat differently. For example, the first flange member 30 may be formed in another shape, such as an oval; the second flange member 32 may be formed to extend only partially around the perimeter of the first flange member; and/or the second flange member 32 may include a plurality of scallops or stiffening ribs (not shown) which operate to reduce [of] or increase, respectively, the stiffness of the second flange member 32 in a desired manner. Those skilled in the art will also understand that the spacing structure 20 may also be configured to include a plurality of first and second flange members 30 and 32, as shown in Figure 4, with each of the first flange members 30 and an associated one of the second flange members 32 being coupled to a separate portion of the clip structure 22.

The paragraph that begins at page 16, line 1 has been amended as follows:

Similarly, variances in the distance between the roof 208 and the headliner 204 are accommodated by the second flange member 32 of the spacing structure 20. In such instances, the wall member 46 is deflected to a greater or lesser extent after the tip portions 110 of the wing members 100 have engaged the roof 208. The spacing structure 20, by virtue of its spring-like construction, also exerts a force onto the roof 208 [with] which further inhibits the clip structure 22 from moving relative to the roof 208.

The paragraph that begins at page 16, line 8 has been amended as follows:

## APPENDIX FOR AMENDMENTS TO SPECIFICATION

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Another example is illustrated in Figure 15 wherein the fastener 10a is illustrated in operative association with a vehicle 300 and a passenger side airbag module 304. Those skilled in the art will understand that reference to a passenger side airbag module is merely exemplary and as such, it will be understood that the teachings of the present invention have applicability to other types of airbag modules, including side-deploying airbag modules and side-curtain airbag modules. In this example, the fastener 10a is substantially similar to the fastener 10, except that the fastener 10a does not include a spacing structure 20. As illustrated, the vehicle 300 includes a dash panel or body structure 308 that defines an airbag aperture 312. The airbag aperture 312 includes a plurality of slotted apertures 316 and a recessed cavity 320 that is sized to receive the airbag module 304. The airbag module 304 is conventional in its construction and operation and need not be discussed in detail herein. Briefly, the airbag module 304 includes an inflator 324 and a reaction canister assembly 328 having a reaction canister 332 and an inflatable airbag [336] (not shown). The reaction canister 332 includes a mounting flange 340 having a plurality of holes 344, each of which is sized to receive a threaded fastener 74.

The paragraph that begins at page 17, line 3 has been amended as follows:

The threaded fasteners 74 are inserted through the holes 344 in the mounting flange 340 and threadably engaged to the helical lip 72 in the flange portion 62 of the fastener 10a. The assembly (i.e., airbag module 304, threaded fasteners 74 and fasteners 10a) is then placed into the recessed cavity 320, the insertion portion 80 of the fasteners 10a are aligned to the slotted holes [344] 316 in the airbag aperture 312 and a force is exerted onto the airbag module 304 to insert the fasteners 10a into the slotted

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apertures 316 and engage the wing members 100 to the body structure 308. Construction in this manner is advantageous in that because the fastener 10a can be assembled to the airbag module 304 in an off-line operation, the installation of the airbag module 304 to the vehicle 300 is extremely simple and fast. Furthermore, the high pull-out force that is associated with the fastener 10a ensures that the airbag module 304 will remain coupled to the body structure 308 while the airbag 336 is being deployed.

The paragraph that begins at page 17, line 16 has been amended as follows:

Additional quantities of the fastener 10a are employed to secure a trim cover 360 over the recessed cavity 320 in the body structure 308. The trim cover 360 conventionally includes a notch 364 that extends along its inside surface 368 and defines a parting line 372. The trim cover 360 also includes a plurality of through-holes [344] 376, each of which is sized to receive a threaded fastener [74] 75 that is adapted to secure the trim cover 360 to the body structure 308. In an off-line operation similar to that employed for the airbag module 304, the threaded fasteners [74] 75 are employed to secure the fasteners 10a to the trim cover 360. The trim cover 360 is thereafter positioned against the body structure 308, a force is exerted through the trim cover 360 and the fasteners 10a are engaged to slotted apertures 380 that are disposed around the perimeter of the recessed cavity 320.